

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

YURI COUTO,	)	Case No. 2:23-CV-10085-KPF
	)	
Plaintiff,	)	Hon. Katherine Polk Failla
	)	
v.	)	
	)	
AMERICAN EXPRESS COMPANY,	)	
	)	
Defendant.	)	
	)	

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**DEFENDANT’S SUPPLEMENTAL PROOF OF SERVICE**

Pursuant to Rule 4(h)(1) of the Federal Rules of Civil Procedure, Defendant American Express National Bank, erroneously served as American Express Company (“American Express”), hereby supplements Plaintiff Yuri Couto’s (“Plaintiff”) “Proof of Service” [Docket No. 6] to reflect the correct date on which Plaintiff’s summons and complaint were delivered to American Express’s registered agent and in support thereof states as follows:

On November 24, 2023, Plaintiff filed a document entitled “Proof of Service” [*Id.*], stating the following:

I personally made the service of process of the summons and complaint to CT Corporation System through certified mail by US Postal Service tracking number 9589071052701338586706 who is designated by law to accept service of process on behalf of AMERICAN EXPRESS COMPANY

However, while Plaintiff may have mailed his Complaint and Summons on November 24, 2023, the summons and complaint were not delivered to American Express’s registered agent, CT Corporation System, until November 30, 2023. Rules 4(h)(1)(A) and (B) of the Federal Rules of Civil Procedure provide that a plaintiff may serve process upon a corporation in

a manner prescribed under state law (in this case, New York) or by delivering a copy of the summons and complaint to the corporation's registered agent. Fed. R. Civ. P. 4(h)(1). New York's Civil Practice Law and Rules ("CPLR") require a plaintiff to serve process upon a corporation either by delivering the summons and complaint to the registered agent, N.Y. C.P.L.R. § 311, or alternatively by mail in accordance with CPLR section 312-a, N.Y. C.P.L.R. § 312-a(a). CT Corporation received Plaintiff's summons and complaint on November 30, 2023, as reflected in the Service of Process Notification attached hereto as **Exhibit A**.<sup>1</sup> Accordingly, pursuant to Rule 12(a) of the Federal Rules of Civil Procedure, Defendant respectfully submits that its deadline to respond to the Complaint is December 21, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 14, 2023  
New York, New York

**STEPTOE LLP**

By: /s/ Kate E. Fisch

Kate E. Fisch  
1114 Avenue of the Americas  
New York, New York 10036  
Tel: (212) 506-3900  
Fax: (212) 506-3950  
Email: [KFisch@steptoe.com](mailto:KFisch@steptoe.com)  
[docketing@steptoe.com](mailto:docketing@steptoe.com)

*Attorneys for Defendant  
American Express National Bank*

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<sup>1</sup> American Express reserves the right to move to dismiss the Complaint under Rule 12(b)(5) for lack of sufficient service.